

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION**

JOY ZELIKOVSKY, Individually and  
on behalf of those similarly situated,

Plaintiff,

V.

|                                  |    |
|----------------------------------|----|
| INTERNATIONAL ASSOCIATION        | \$ |
| OF EATING DISORDER               | \$ |
| PROFESSIONALS' FOUNDATION, INC., | \$ |
| a California Corporation, BONNIE | \$ |
| HARKEN, JOEL JAHRAUS, DENA       | \$ |
| CABRERA, AND RALPH CARSON        | \$ |

### Defendants.

[illegible]

CIVIL CASE NO. 3:23-CV-02624-N

**DEFENDANTS IAEDP'S AND THE BOARD MEMBERS'  
APPENDIX OF EXHIBITS IN SUPPORT OF MEMORANDUM  
IN SUPPORT OF THEIR MOTION TO DISMISS, OR IN THE  
ALTERNATIVE, TO TRANSFER TO THE CENTRAL DISTRICT OF ILLINOIS**

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the United States. It also has an international chapter for those chapters located outside of the United States that exist in 8 different countries.

6. Among the local chapters, there is a local chapter located in New Haven, Connecticut (the "New Haven Local Chapter") and one located in Dallas/Fort Worth, Texas (the "Dallas/FW Local Chapter").

7. Each local chapter, including the New Haven Local Chapter and Dallas/FW Local Chapter, is separately incorporated from iaedp and exists as a separate business entity from iaedp.

8. Local chapters also organize and put on their own events, seminars, and continuing education courses that are separate from those that the iaedp offers.

9. Members of the iaedp can, but do not have to, be members in a local chapter. Those who are active members of a local chapter receive a discount on their membership fee in the iaedp.

10. I am not a member of any local chapter. Specifically, I am not a member of the Dallas/FW Local Chapter or any other local chapter in the State of Texas.

11. The iaedp and local chapters, including the Dallas/FW Local Chapter, have separate officers and directors and separate sets of bylaws.

12. No officer, director, or board member of iaedp is an officer, director, or board member of the Dallas/FW Local Chapter.

13. Only one of the iaedp's sixteen board members, Susan Mengden, lives in the State of Texas. Ms. Mengden resides in San Antonio, Texas, which is outside the Northern District of Texas. She is a board member of the San Antonio local chapter.

14. The iaedp currently has 3,289 members. Of those, there are approximately 215 members located in the State of Texas, 136 of which are members of the Dallas/FW Local Chapter.

15. The iaedp does not conduct any business in Texas other than the memberships it

receives from persons who happen to reside in Texas. Only 4% of iaedp's national membership are members of the Dallas/FW Local Chapter. Only 6½% of iaedp's national membership is from the entire State of Texas.

16. The iaedp has no offices in the State of Texas. Again, its sole place of business is located in Pekin, Illinois.

17. The iaedp does not own any real estate in the State of Texas. It does not rent any property located in Texas or have any bank accounts in Texas.

18. The iaedp holds an annual continuing education symposium for its members in either Florida or California. Members are only required to attend a symposium once every four years. The symposium can also be attended online. The iaedp has not ever held its symposium in Texas.

19. I am a physician licensed in the State of Florida who specializes in the care and treatment of persons who have eating disorders.

20. I hold a medical license in 20 states, including Texas. However, I do not practice medicine or see any patients in the State of Texas.

21. I am currently V.P. of Medical Services at Monte Nido & Affiliates ("Monte Nido"), which is headquartered in Miami, Florida. Monte Nido has eating disorder treatment centers located across the United States. Most of my work for Monte Nido is at its Florida office.

22. In 2022, Monte Nido was acquired by Revelstoke Capital Partners, LLC which is a Delaware limited liability company with its headquarters located in Denver, Colorado.

23. As V.P. of Medical Services at Monte Nido, my job requires me at times to travel and work administratively in my company's treatment programs and facilities that are located throughout the country. I do not see or treat any patients at any of these facilities, but rather,

provide administrative oversight to medical providers at these locations who work within the company.

24. In my administrative role as V.P. of Medical Services at Monte Nido, I have traveled to Monte Nido's facility in Houston, Texas and provided on site administrative services to two nurse practitioners at that facility. However, I travel to Houston, if at all, at most once per year. Again, these visits are in an administrative oversight role undertaken on behalf of my employer.

25. I am a Fellow of the Academy for Eating Disorders ("FAED"), an organization located in Virginia. I am also a Certified Eating Disorder Specialist ("CEDS"), which I received through iaedp's certification process that, among other things, requires passing an examination and accumulation of a threshold number of hours of eating disorder experience under the supervision of an approved CEDS consultant ("CEDS-C"). Neither my fellowship or certification is required for me to practice medicine or treat those with eating disorders as a physician. They are also not required for any aspects of my current job with Monte Nido.

26. I have never been a resident of the State of Texas. I do not own or lease any real estate in Texas, nor do I maintain an office there.

27. I do not pay any personal income tax in Texas or have any bank accounts in Texas.

28. I do not advertise in the State of Texas.

29. I have never been registered to vote in Texas.

30. I never travel to Texas for any iaedp business.

31. I have read and am familiar with the allegations as set forth in the "Second Amended Class Action Complaint for Declaratory Relief and Damages" ("SAC") that plaintiff, Joy Zelikovsky, has filed in this case.

32. The SAC alleges, among other things, that the iaedp ties board member certifications to membership in the organization in violation of the Sherman Act.

33. All physical records relating to the governance and management of the iaedp are maintained at its headquarters in Pekin, Illinois.

34. All physical records relating to memberships and/or certifications of the iaedp memberships are maintained at the iaedp's headquarters in Pekin, Illinois.

35. Some records relating to the iaedp's governance, management, certifications and membership are also stored electronically on various platforms. However, none of the iaedp's corporate records are located in Texas.

36. The SAC also alleges various purported self-sealing and wrongdoing by its Managing Director, Bonnie Harken. Ms. Harken resides in Pekin, Illinois, and any records she may have relating to this matter are believed to be located in Illinois.

37. I am unaware of any material witness in this case, including the plaintiff, who resides in the State of Texas.

38. Attending trial in the Northern District of Texas would present a financial burden and hardship on me personally in this case and on iaedp as an organization as opposed to attending a trial in the Central District of Illinois. The corporate headquarters of iaedp are located in Pekin, Illinois, and iaedp's corporate records are also located there. Ms. Harken, who is an important witness in this case also resides in Pekin, Illinois, and any records she may have relating to this matter are believed to be located there.

39. Travelling to the Central District of Illinois and preparing for trial out of iaedp's corporate headquarters where its records are located would be more convenient than a trial in the Northern District of Texas.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: March 18, 2024

Respectfully submitted,



JOEL JAHRAUS



**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION**

JOY ZELIKOVSKY, Individually and  
on behalf of those similarly situated,

Plaintiff,

v.

INTERNATIONAL ASSOCIATION \$  
OF EATING DISORDER \$  
PROFESSIONALS' FOUNDATION, INC., \$  
a California Corporation, BONNIE \$  
HARKEN, JOEL JAHRAUS, DENA \$  
CABRERA, AND RALPH CARSON \$

Defendants.

CIVIL CASE NO. 3:23-CV-02624-N

**DECLARATION OF DENA CABRERA**

I, Dena Cabrera, am competent to state and declare the following:

1. I am a resident of the State of Arizona, and currently reside in Anthem, Arizona. I have lived at my current residence for 22 years.
2. I am also currently a member of the Board of Directors of the International Association of Eating Disorder Professionals Foundation, Inc. ("iaedp").
3. The iaedp is a 501(c)(3) nonprofit California corporation that maintains its headquarters and principal place of business in Pekin, Illinois.
4. The iaedp serves to promote a high level of professionalism among practitioners who treat those suffering from eating disorders by promoting ethical and professional standards, offering education and training in the field, certifying those who have met prescribed requirements, promoting public and professional awareness of eating disorders and assisting in prevention efforts.
5. The iaedp has over 30 local member chapters located in 21 different states across

the United States. It also has an international chapter for those chapters located outside of the United States that exist in 8 different countries.

6. Among the local chapters, there is a local chapter located in New Haven, Connecticut (the "New Haven Local Chapter") and one located in Dallas/Fort Worth, Texas (the "Dallas/FW Local Chapter").

7. Each local chapter, including the New Haven Local Chapter and Dallas/FW Local Chapter, is separately incorporated from iaedp and exists as a separate business entity from iaedp.

8. Local chapters also organize and put on their own events, seminars, and continuing education courses that are separate from those that the iaedp offers.

9. Members of the iaedp can, but do not have to, be members in a local chapter. Those who are active members of a local chapter receive a discount on their membership fee in the iaedp.

10. I am also a member of the Phoenix local chapter. I am not a member of the Dallas/FW Local Chapter or any other local chapter in the State of Texas.

11. The iaedp and local chapters, including the Dallas/FW Local Chapter, have separate officers and directors and separate sets of bylaws.

12. No officer, director, or board member of iaedp is an officer, director, or board member of the Dallas/FW Local Chapter.

13. Only one of the iaedp's sixteen board members, Susan Mengden, lives in the State of Texas. Ms. Mengden resides in San Antonio, Texas, which is outside the Northern District of Texas. She is a board member of the San Antonio local chapter.

14. The iaedp currently has 3,289 members. Of those, there are approximately 215 members located in the State of Texas, 136 of which are members of the Dallas/FW Local Chapter.

15. The iaedp does not conduct any business in Texas other than the memberships it

receives from persons who happen to reside in Texas. Only 4% of iaedp's national membership are members of the Dallas/FW Local Chapter. Only 6½% of iaedp's national membership is from the entire State of Texas.

16. The iaedp has no offices in the State of Texas. Again, its sole place of business is located in Pekin, Illinois.

17. The iaedp does not own any real estate in the State of Texas. It does not rent any property located in Texas or have any bank accounts in Texas.

18. The iaedp holds an annual continuing education symposium for its members in either Florida or California. Members are only required to attend a symposium once every four years. The symposium can also be attended online. The iaedp has not ever held its symposium in Texas.

19. I am a clinical psychologist with 24 years of experience in the treatment of individuals, families, and groups with a range of psychological and psychiatric disorders, including eating disorders.

20. I practice psychology in the State of Arizona, which is where I live and provide services to my patients. I am also permitted to provide telepsychology services to patients remotely pursuant to the Psychology Interjurisdictional Compact ("PSYPACT"). PSYPACT is an interstate compact designed to allow licensed psychologists to practice of telepsychology across state boundaries legally and ethically without necessitating that an individual become licensed in every state to practice.

21. I provide telepsychology services to clients located in ten different states. I have only one patient from Texas to whom I provide such services who resides in Plano, Texas. I conduct all sessions with that patient remotely from my office in Anthem, Arizona. I have never

travelled to Texas to provide any psychology services for this patient or any other patient. I do not practice psychology or see any patients within the State of Texas.

22. I am a Certified Eating Disorder Specialist ("CEDS"), which I received through iaedp's certification process that, among other things, requires passing an examination and accumulation of a threshold number of hours of eating disorder experience under the supervision of an approved CEDS consultant ("CEDS-C"). This certification is not required for me to practice as a clinical psychologist or to see patients with eating disorders.

23. I have never been a resident of the State of Texas. I do not own or lease any real estate in Texas, nor do I maintain an office there.

24. I also have not held any employment in the State of Texas in any capacity. I do not pay any personal income tax in Texas or have any bank accounts in Texas.

25. I do not advertise in the State of Texas.

26. I have never been registered to vote in Texas.

27. I never travel to Texas for any iaedp business, and rarely travel to Texas at all for any reason.

28. I have read and am familiar with the allegations as set forth in the "Second Amended Class Action Complaint for Declaratory Relief and Damages" ("SAC") that plaintiff, Joy Zelikovsky, has filed in this case.

29. The SAC alleges, among other things, that the iaedp ties board member certifications to membership in the organization in violation of the Sherman Act.

30. All physical records relating to the governance and management of the iaedp are maintained at its headquarters in Pekin, Illinois.

31. All physical records relating to memberships and/or certifications of the iaedp

memberships are maintained at the iaedp's headquarters in Pekin, Illinois.

32. Some records relating to the iaedp's governance, management, certifications and membership are also stored electronically on various platforms. However, none of the iaedp's corporate records are located in Texas.

33. The SAC also alleges various purported self-sealing and wrongdoing by its Managing Director, Bonnie Harken. Ms. Harken resides in Pekin, Illinois, and any records she may have relating to this matter are believed to be located in Illinois.

34. I am unaware of any material witness in this case, including the plaintiff, who resides in the State of Texas.

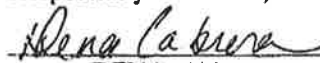
35. Attending trial in the Northern District of Texas would present a financial burden and hardship on me personally in this case and on iaedp as an organization as opposed to attending a trial in the Central District of Illinois. The corporate headquarters of iaedp are located in Pekin, Illinois, and iaedp's corporate records are also located there. Ms. Harken, who is an important witness in this case also resides in Pekin, Illinois and any records she may have relating to this matter are believed to be located there.

36. Travelling to the Central District of Illinois and preparing for trial out of iaedp's corporate headquarters where its records are located would be more convenient than a trial in the Northern District of Texas. Additionally, my husband is from the Chicago area, and we travel to Illinois a couple of times per year to visit family there.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: March 18, 2024

Respectfully submitted,

  
DENA CABRERA



5. The iaedp has over 30 local member chapters located in 21 different states across the United States. It also has an international chapter for those chapters located outside of the United States that exist in 8 different countries.

6. Among the local chapters, there is a local chapter located in New Haven, Connecticut (the “New Haven Local Chapter”) and one located in Dallas/Fort Worth, Texas (the “Dallas/FW Local Chapter”).

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15. The iaedp does not conduct any business in Texas other than the memberships it receives from persons who happen to reside in Texas. Only 4% of iaedp's national membership are members of the Dallas/FW Local Chapter. Only 6½% of iaedp's national membership is from the entire State of Texas.

16. The iaedp has no offices in the State of Texas. Again, its sole place of business is located in Pekin, Illinois.

17. The iaedp does not own any real estate in the State of Texas. It does not rent any property located in Texas or have any bank accounts in Texas.

18. The iaedp holds an annual continuing education symposium for its members in either Florida or California. Members are only required to attend a symposium once every four years. The symposium can also be attended online. The iaedp has not ever held its symposium in Texas.

19. I have a PhD from Auburn University and am a clinical nutritionist and exercise physiologist with nearly 40 years of experience in the treatment of addictions, mood and anxiety disorders, sports nutrition and eating disorders. I am currently retired from treating patients. When I practiced, it was primarily in the State of Alabama, which is where I saw my patients. I did not, nor do I presently, practice or see any patients in the State of Texas.

20. I previously (no longer as of January 2024; unemployed) was a Senior Clinical and Research Advisor for the Eating Recovery Center & Pathlight Foundation ("ERC"). ERC is a Colorado non-profit corporation headquartered in Denver, Colorado.

21. As an advisor for ERC, I gave educational lectures and presentations on various medical topics primarily in the field of physiology. I did not travel for these presentations since 2019.



22. Prior to 2019, I would give presentations throughout the United States primarily in cities where ERC had facilities. Texas was one state where I made such presentations from time-to-time. I would estimate that approximately 5% or less of my travel and presentations were in Texas.

23. I am an Honorary Certified Eating Disorder Specialist (“CED-RD”), which I received from iaedp as a result of my experience in treating eating disorders over my 40+ year career as clinical nutritionist and exercise physiologist. This certification is not, and never was, required for me to practice as a clinical nutritionist and exercise physiologist or to see patients with eating disorders. It is also not required for me to give lectures or presentations in my current position as a Senior Clinical and Research Advisor with ERC.

24. I have never been a resident of the State of Texas. I do not own or lease any real estate in Texas, nor do I maintain an office there.

25. I also have not held any employment in the State of Texas in any capacity. I do not pay any personal income tax in Texas or have any bank accounts in Texas.

26. I do not advertise in the State of Texas.

27. I have never been registered to vote in Texas.

28. I never travel to Texas for any iaedp business, and again, have not traveled to Texas or anywhere else in connection with my current job since 2019.

29. I have read and am familiar with the allegations as set forth in the “Second Amended Class Action Complaint for Declaratory Relief and Damages” (“SAC”) that plaintiff, Joy Zelikovsky, has filed in this case.

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37. Travelling to the Central District of Illinois and preparing for trial out of iaedp's corporate headquarters where its records are located would be more convenient than a trial in the Northern District of Texas.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: March 18, 2024

Respectfully submitted,

  
RALPH E. CARSON



Crystal's post



**Steven Dunn**

Whitney Nichole Whitney, iaedp has Directors & Officers Insurance in place for lawsuits like this. There is an amount of retainage (or deductible)... typically less than \$5,000, that iaedp national will pay. But, no money from the conference nor membership should be utilized to fight this. As for the individual chapters, they are NOT involved in the lawsuit. Now, the Board of Directors for each individual chapter is comprised of the same 4 people and they have been named. But, I cannot think of a circumstance in which the individual chapters will be included. Especially since yes, some of the chapters are doing really good work!

Rules



Write a comment...





Crystal's post



22h Like Reply

4



**Steven Dunn**

Anne, the chapters are not involved in the lawsuit at all. To the contrary. In fact, before filing suit, we reached out on more than one occasion with offers to resolve all issues. These offers were intended to strengthen the chapters and to increase their power and influence. Ms. Harken chose not to respond to these offers. And Catherine, if by "all of these lawsuits," you mean this one and the NEDA case before [because those are the only two], first, in this case, we are not asking that the certification process be changed or destroyed. Again, to the contrary. As for the NEDA case, part of

Rules



Write a comment...





Crystal's post



Catherine, if by "all of these lawsuits," you mean this one and the NEDA case before [because those are the only two], first, in this case, we are not asking that the certification process be changed or destroyed. Again, to the contrary. As for the NEDA case, part of the resolution included having the insurance company for NEDA pay a five figure donation to the EDGÍ research study being conducted by Dr. Cynthia Bulik. It also required a five figure payment to NCEED. If the lawsuit is successful, and I believe it will be, real change, positive change becomes possible under new leadership. But, thank you both of you for your comments!

21h Like Reply

1

Rules



Write a comment...





Crystal's post



**Steven Dunn**

<https://adadsjourneywithheatingdisorders.home.blog/2023/12/06/simplify-and-explain/>



**Simplify and Explain**

adadsjourneywithheatingdisor...

4h Like Reply



**Monika Saigal**

Would there be any benefit/impact to starting a petition asking for immediate removal of Bonnie from leadership and demanding the unlinking of certification from membership and symposium requirements? I don't usually find that petitions do much, but maybe if enough ED professionals signed, especially current and former iaedp members and certified providers? Steven Dunn do you have an idea of when case might go to trial?

13m Like Reply

Rules



Write a comment...

